

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

WILLIE V. CONEY (#13211-040),

FILED

FEB - 7 2020

CLERK, U.S. DISTRICT COURT
NORFOLK, VA

Petitioner,

v.

ACTION NO. 2:19cv248

MARK J. BOLSTER, Warden,
F.C.C Petersburg (Low)

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Petitioner Willie V. Coney's petition alleges that the Bureau of Prisons failed to properly recalculate his sentence and award good conduct time in accordance with a provision of the First Step Act.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report of the Magistrate Judge was filed on November 12, 2019, recommending dismissal of the petition without prejudice for lack of jurisdiction. By copy of the Report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge.¹ The Court has received no objections to the Magistrate Judge's Report and Recommendation and the time for filing objections

¹ On November 13, 2019, a copy of the Report and Recommendation (R&R) was mailed to Petitioner at FCC Petersburg, where Petitioner was housed at the time of the filing of this habeas action. Although the R&R was not returned in the mail as undeliverable, and the Petitioner failed to notify the Court of his relocation, the Court discovered through the online inmate locator that Petitioner had been transferred to Detroit RRM in Michigan. A second copy of the R&R was mailed to him at that location on December 11, 2019.

has now expired.

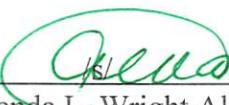
Accordingly, the Court accepts the findings and recommendations set forth in the Report of the United States Magistrate Judge filed November 12, 2019 and it is therefore ORDERED that respondent's Motion to Dismiss is GRANTED, and that the petition is DENIED and DISMISSED without prejudice.

Finding that the basis for dismissal of Petitioner's § 2241 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is DENIED. 28 U.S.C. § 2253(c); *see* Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); *Miller-El v. Cockrell*, 537 U.S. 322, 335–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483–85 (2000).

Petitioner is ADVISED that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so **within sixty days** from the date of this Order. Petitioner may seek such a certificate by filing a written Notice of Appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk shall mail a copy of this Final Order to Petitioner at RRM Detroit and provide an electronic copy of the Final Order to counsel of record for Respondent.

Norfolk, Virginia
February 14, 2020


Areda L. Wright Allen
United States District Judge